

MONTANA PUBLIC DEFENDER COMMISSION  
**STRATEGIC PLANNING COMMITTEE MEETING**

Helena Regional Office  
139 North Last Chance Gulch, Helena, MT 59601

**November 16, 2015**

**MINUTES**

*(Approved at the April 26, 2016 meeting)*

**Committee Members Present**

Bonnie Olson (Chair), Marion; Margaret Novak, Chester. Commission Chair Fritz Gillespie, Helena, was also in attendance.

**Committee Members Absent**

Roy Brown, Billings; Brian Gallik, Bozeman

**Agency Team Members Present**

Bill Hooks, Chief Public Defender; Kristina Neal, Conflict Coordinator; Eileen Larkin and Koan Mercer, Appellate Defender Office; Harry Freebourn, Administrative Director; Wendy Johnson, Contract Manager; Peter Ohman, Training Coordinator; Carleen Green, Accountant

**Interested Parties**

Greg DeWitt, Legislative Fiscal Division

**1. Call to Order**

Committee Chair Bonnie Olson called the meeting of the Strategic Planning Committee to order at 1:10 p.m.

**2. Approval of Minutes of October 21, 2015 Meeting (\*Action Item)**

The minutes were approved as drafted by consensus.

**3. Review/Discuss Draft Strategic Plan**

Commissioner Olson suggested expanding section V. to include internships or work study programs with local colleges and high schools as a way to improve community involvement. Commissioner Novak supports working with university students, but doesn't see how school districts would be feasible due to the amount of oversight that would be required. Commissioner Olson invited public comment. Ms. Johnson suggested making the language more inclusive by changing "Montana University System" to "Montana colleges and universities" which would include tribal colleges. Chief Hooks said that a framework for the resource advocate internships is being developed, and then the program will be expanded.

Commissioner Olson asked if the National Association for Public Defense (NAPD) would be assisting with goal IV, relating to the mix of contract and FTE attorneys. Chief Hooks replied that NAPD would help with the second and third objectives and articulate the need for both contractors and FTE.

Mr. Freebourn said that we have the cost data to address the first objective, but we haven't been able to compare the work of FTE and contractors to determine which is more effective. Under the current model, we pay a fixed salary for FTE, and load them with cases until they can't do anymore. Contractors are able to refuse cases, and for those they accept, they are free to work as many hours as necessary and charge an hourly rate. That model shows that FTE are cheaper, because they are overburdened. And, although you know the hourly contractor rate, you don't know what they are doing in an hour, so it's not comparing apples to apples. There is a perception that state employees aren't as efficient as contractors, but we need both—FTE are needed for their guaranteed availability, which isn't part of the contract world.

The new online billing system will provide more information to analyze contractor costs. One item missing in the current analysis of FTE costs is that the pension is underfunded. Mr. Freebourn isn't sure how to address that. Another variable is that the agency has worked hard to increase FTE salaries to address turnover; some have almost doubled, while the contract attorney rate has only increased from \$60 to \$62 hour.

The committee agreed that this is an important goal. Current goal I, hiring an executive director, reflects a reorganization rather than an improvement to the system. It will become the number one goal under a new "Commission" section. Current goal IV will become the number one "general" goal for the agency, and the remaining goals will be renumbered beginning at one for each program.

The committee discussed current goal VI, related to eligibility determination, and made modifications to clarify the objectives. The new application form, policy and training manual are all helping to make eligibility determination as systematic as possible, especially in hardship cases. Chairman Gillespie noted that there can be regional differences in what the cost and the retainer would be to hire private counsel; knowing the range of those estimated costs will help make those subjective decisions.

Commissioner Olson and Chief Hooks developed a new goal regarding organizational review of Program 1. Commissioner Olson said that the agency was formed in a reactive fashion, and as it matures, we should be routinely reassessing the asset allocation and other organizational needs. Ms. Neal suggested that this be included as a general goal that applies to all programs, not just Program 1; Ms. Larkin concurred.

Commissioner Novak said that is appropriate management in any organization, and she isn't sure it needs to be in a strategic plan. She would like to see a goal supporting ongoing training for managers to promote continuous improvement. Commissioner Olson will provide the language for new general goal V, with Commissioner Novak's agreement, as well as an objective regarding management training.

The first Program 2 goal, related to pro bono work, was modified to emphasize collaboration with the Supreme Court and the State Bar. Mr. Mercer said although there would be details to be worked out, the point is that they are looking at alternatives to reduce the workload.

Regarding the second Program 2 goal, Ms. Larkin noted that the office has made significant progress using the team approach on objective (b) and suggested deleting that objective.

The Program 3 goals will be modified to replace the word "vendor" with "service providers," and to clarify the meaning of the "crowd sourcing strategy." The second goal will remove reference to creating a new program for all civil cases.

The committee decided that adding timeframes to the goals and objectives would be the next step. Chief Hooks agreed, but would like to wait until after his mid-December meeting with the regional deputies to define the timelines. Chairman Gillespie said that the strategic plan will be the Commission's outline to the program directors for achieving objectives, and a progress review should be part of every Commission meeting. Although some goals will be ongoing, benchmarks should be set.

#### **4. Public Comment**

Greg DeWitt, Legislative Fiscal Division, agreed that objectives should be both measurable and time-based. Mr. Freebourn said that measurable goals and objectives are required as part of the EPP process.

Commissioner Olson thanked everyone for their time. This is a good document to present to the Commission in December.

#### **5. Set Next Meeting Date**

Another meeting will be scheduled if necessary following the December Commission meeting.

#### **6. Adjourn**

The meeting adjourned at 3:10 p.m.